

1 AN ACT relating to strengthening the controlled substances collaborative
2 agreement between physicians and advanced practice registered nurses.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 314.042 is amended to read as follows:

- 5 (1) An applicant for licensure to practice as an advanced practice registered nurse shall
6 file with the board a written application for licensure and submit evidence, verified
7 by oath, that the applicant has completed an approved organized postbasic program
8 of study and clinical experience; is certified by a nationally established organization
9 or agency recognized by the board to certify registered nurses for advanced practice
10 registered nursing; and is able to understandably speak and write the English
11 language and to read the English language with comprehension.
- 12 (2) The board may issue a license to practice advanced practice registered nursing to an
13 applicant who holds a current active registered nurse license issued by the board or
14 holds the privilege to practice as a registered nurse in this state and meets the
15 qualifications of subsection (1) of this section. An advanced practice registered
16 nurse shall be:
- 17 (a) Designated by the board as a certified registered nurse anesthetist, certified
18 nurse midwife, certified nurse practitioner, or clinical nurse specialist; and
- 19 (b) Certified in at least one (1) population focus.
- 20 (3) The applicant for licensure or renewal thereof to practice as an advanced practice
21 registered nurse shall pay a fee to the board as set forth in regulation by the board.
- 22 (4) An advanced practice registered nurse shall maintain a current active registered
23 nurse license issued by the board or hold the privilege to practice as a registered
24 nurse in this state and maintain current certification by the appropriate national
25 organization or agency recognized by the board.
- 26 (5) Any person who holds a license to practice as an advanced practice registered nurse
27 in this state shall have the right to use the title "advanced practice registered nurse"

1 and the abbreviation "APRN." No other person shall assume the title or use the
2 abbreviation or any other words, letters, signs, or figures to indicate that the person
3 using the same is an advanced practice registered nurse. No person shall practice as
4 an advanced practice registered nurse unless licensed under this section.

5 (6) Any person heretofore licensed as an advanced practice registered nurse under the
6 provisions of this chapter who has allowed the license to lapse may be reinstated on
7 payment of the current fee and by meeting the provisions of this chapter and
8 regulations promulgated by the board pursuant to the provisions of KRS Chapter
9 13A.

10 (7) The board may authorize a person to practice as an advanced practice registered
11 nurse temporarily and pursuant to applicable regulations promulgated by the board
12 pursuant to the provisions of KRS Chapter 13A if the person is awaiting the results
13 of the national certifying examination for the first time or is awaiting licensure by
14 endorsement. A person awaiting the results of the national certifying examination
15 shall use the title "APRN Applicant" or "APRN App."

16 (8) (a) Except as authorized by KRS 314.196 and subsection (9) of this section,
17 before an advanced practice registered nurse engages in the prescribing or
18 dispensing of nonscheduled legend drugs as authorized by KRS 314.011(8),
19 the advanced practice registered nurse shall enter into a written "Collaborative
20 Agreement for the Advanced Practice Registered Nurse's Prescriptive
21 Authority for Nonscheduled Legend Drugs" (CAPA-NS) with a physician
22 licensed in Kentucky that defines the scope of the prescriptive authority for
23 nonscheduled legend drugs.

24 (b) The advanced practice registered nurse shall notify the Kentucky Board of
25 Nursing of the existence of the CAPA-NS and the name of the collaborating
26 physician and shall, upon request, furnish to the board or its staff a copy of the
27 completed CAPA-NS. The Kentucky Board of Nursing shall notify the

1 Kentucky Board of Medical Licensure that a CAPA-NS exists and furnish the
2 collaborating physician's name.

3 (c) The CAPA-NS shall be in writing and signed by both the advanced practice
4 registered nurse and the collaborating physician. A copy of the completed
5 collaborative agreement shall be available at each site where the advanced
6 practice registered nurse is providing patient care.

7 (d) The CAPA-NS shall describe the arrangement for collaboration and
8 communication between the advanced practice registered nurse and the
9 collaborating physician regarding the prescribing of nonscheduled legend
10 drugs by the advanced practice registered nurse.

11 (e) The advanced practice registered nurse who is prescribing nonscheduled
12 legend drugs and the collaborating physician shall be qualified in the same or
13 a similar specialty.

14 (f) The CAPA-NS is not intended to be a substitute for the exercise of
15 professional judgment by the advanced practice registered nurse or by the
16 collaborating physician.

17 (g) The CAPA-NS shall be reviewed and signed by both the advanced practice
18 registered nurse and the collaborating physician and may be rescinded by
19 either party upon written notice via registered mail to the other party, the
20 Kentucky Board of Nursing, and the Kentucky Board of Medical Licensure.

21 (9) (a) Before an advanced practice registered nurse may discontinue or be exempt
22 from a CAPA-NS required under subsection (8) of this section, the advanced
23 practice registered nurse shall have completed four (4) years of prescribing as
24 a nurse practitioner, clinical nurse specialist, nurse midwife, or as a nurse
25 anesthetist. For nurse practitioners and clinical nurse specialists, the four (4)
26 years of prescribing shall be in a population focus of adult-gerontology,
27 pediatrics, neonatal, family, women's health, acute care, or psychiatric-mental

1 health.

2 (b) After four (4) years of prescribing with a CAPA-NS in collaboration with a
3 physician:

4 1. An advanced practice registered nurse whose license is in good standing
5 at that time with the Kentucky Board of Nursing and who will be
6 prescribing nonscheduled legend drugs without a CAPA-NS shall notify
7 that board that the four (4) year requirement has been met and that he or
8 she will be prescribing nonscheduled legend drugs without a CAPA-NS;

9 2. The advanced practice registered nurse will no longer be required to
10 maintain a CAPA-NS and shall not be compelled to maintain a CAPA-
11 NS as a condition to prescribe after the four (4) years have expired, but
12 an advanced practice registered nurse may choose to maintain a CAPA-
13 NS indefinitely after the four (4) years have expired; and

14 3. If the advanced practice registered nurse's license is not in good
15 standing, the CAPA-NS requirement shall not be removed until the
16 license is restored to good standing.

17 (c) An advanced practice registered nurse wishing to practice in Kentucky
18 through licensure by endorsement is exempt from the CAPA-NS requirement
19 if the advanced practice registered nurse:

20 1. Has met the prescribing requirements in a state that grants independent
21 prescribing to advanced practice registered nurses; and

22 2. Has been prescribing for at least four (4) years.

23 (d) An advanced practice registered nurse wishing to practice in Kentucky
24 through licensure by endorsement who had a collaborative prescribing
25 agreement with a physician in another state for at least four (4) years is
26 exempt from the CAPA-NS requirement.

27 (e) After July 15, 2014:

- 1 1. An advanced practice registered nurse whose license is in good standing
2 at that time with the Kentucky Board of Nursing and who will be
3 prescribing nonscheduled legend drugs without a CAPA-NS shall notify
4 that board that the four (4) year requirement has been met and that he or
5 she will be prescribing nonscheduled legend drugs without a CAPA-NS;
 - 6 2. An advanced practice registered nurse who has maintained a CAPA-NS
7 for four (4) years or more will no longer be required to maintain a
8 CAPA-NS and shall not be compelled to maintain a CAPA-NS as a
9 condition to prescribe after the four (4) years have expired, but an
10 advanced practice registered nurse may choose to maintain a CAPA-NS
11 indefinitely after the four (4) years have expired; and
 - 12 3. An advanced practice registered nurse who has maintained a CAPA-NS
13 for less than four (4) years shall be required to continue to maintain a
14 CAPA-NS until the four (4) year period is completed, after which the
15 CAPA-NS will no longer be required.
- 16 (10) (a) Before an advanced practice registered nurse engages in the prescribing of
17 Schedules II through V controlled substances as authorized by KRS
18 314.011(8), the advanced practice registered nurse shall enter into a
19 **standardized** written "Collaborative Agreement for the Advanced Practice
20 Registered Nurse's Prescriptive Authority for Controlled Substances" (CAPA-
21 CS) with a physician licensed in Kentucky **who is in good standing with the**
22 **Kentucky Board of Medical Licensure**, that defines the scope of the
23 prescriptive authority for controlled substances.
- 24 (b) **The standardized written CAPA-CS shall be developed by the Kentucky**
25 **Board of Medical Licensure**.
- 26 (c) The advanced practice registered nurse shall notify the Kentucky Board of
27 Nursing of the existence of the CAPA-CS and the name of the collaborating

1 physician and shall ~~upon request,~~ furnish to the board or its staff a copy of
 2 the completed CAPA-CS. The Kentucky Board of Nursing shall notify the
 3 Kentucky Board of Medical Licensure that a CAPA-CS exists and furnish a
 4 copy of the completed CAPA-CS to the Kentucky Board of Medical
 5 Licensure~~[the collaborating physician's name].~~

6 ~~(d)~~~~(e)~~ The CAPA-CS shall be in writing and signed by both the advanced
 7 practice registered nurse and the collaborating physician. A copy of the
 8 completed collaborative agreement shall be available at each site where the
 9 advanced practice registered nurse is providing patient care.

10 ~~(e)~~~~(d)~~ The CAPA-CS shall describe the arrangement for collaboration and
 11 communication between the advanced practice registered nurse and the
 12 collaborating physician regarding the prescribing of controlled substances by
 13 the advanced practice registered nurse and shall include but not be limited to:

- 14 1. Standards for medical chart reviews by the collaborating physician;
- 15 2. A requirement for an in-person evaluation of the patient by the
 16 collaborating physician at least annually;
- 17 3. Standards for the review of reports from the electronic monitoring
 18 system established under KRS 218A.202 for each patient receiving
 19 controlled substances under the collaborative agreement; and
- 20 4. A schedule for, at a minimum, quarterly meetings between the
 21 collaborating physician and the advanced practice registered nurse to
 22 review and discuss:
 - 23 a. The status of the CAPA-CS;
 - 24 b. A list of any controlled substances that shall not be covered by
 25 the collaborative agreement;
 - 26 c. Any restrictions on quantities of controlled substances to be
 27 prescribed pursuant to the CAPA-CS; and

1 *d. Specific instances when an advanced practice registered nurse*
2 *shall communicate with the physician prior to prescribing a*
3 *controlled substance.*

4 ~~(f)~~~~(e)~~ The advanced practice registered nurse who is prescribing controlled
5 substances and the collaborating physician shall be qualified in the same or a
6 similar specialty.

7 ~~(g)~~~~(f)~~ The CAPA-CS is not intended to be a substitute for the exercise of
8 professional judgment by the advanced practice registered nurse or by the
9 collaborating physician.

10 ~~(h)~~~~(g)~~ Before engaging in the prescribing of controlled substances, the
11 advanced practice registered nurse shall:

- 12 1. Have been licensed to practice as an advanced practice registered nurse
13 for one (1) year with the Kentucky Board of Nursing; or
- 14 2. Be nationally certified as an advanced practice registered nurse and be
15 registered, certified, or licensed in good standing as an advanced
16 practice registered nurse in another state for one (1) year prior to
17 applying for licensure by endorsement in Kentucky.

18 ~~(i)~~~~(h)~~ Prior to prescribing controlled substances, the advanced practice
19 registered nurse shall obtain a Controlled Substance Registration Certificate
20 through the United States~~[U.S.]~~ Drug Enforcement Agency.

21 ~~(j)~~~~(i)~~ The CAPA-CS shall be reviewed and signed by both the advanced
22 practice registered nurse and the collaborating physician and may be rescinded
23 by either party upon written notice via registered mail to the other party, the
24 Kentucky Board of Nursing, and the Kentucky Board of Medical Licensure.

25 ~~(k)~~~~(j)~~ The CAPA-CS shall state the limits on controlled substances which may
26 be prescribed by the advanced practice registered nurse, as agreed to by the
27 advanced practice registered nurse and the collaborating physician. The limits

1 so imposed may be more stringent than either the schedule limits on
2 controlled substances established in KRS 314.011(8) or the limits imposed in
3 regulations promulgated by the Kentucky Board of Nursing thereunder.

4 (11) Nothing in this chapter shall be construed as requiring an advanced practice
5 registered nurse designated by the board as a certified nurse anesthetist to enter into
6 a collaborative agreement with a physician, pursuant to this chapter or any other
7 provision of law, in order to deliver anesthesia care.